



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,520	12/22/2000	Aman Gupta	GMES8081.045	4205

27061 7590 10/08/2002

ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (GEMS)  
14135 NORTH CEDARBURG ROAD  
MEQUON, WI 53097

EXAMINER

NGUYEN, CINDY

ART UNIT PAPER NUMBER

2171

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/748,520

Applicant(s)

GUPTA ET AL.

Examiner

Cindy Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This is in response to application filed on December 22, 2000 in which claims 1-21 are presented for examination.

#### **1. Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**2. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Klatt et al. (U.S. 6415277) (Klatt).**

Regarding claim 1, Klatt disclose: A method for displaying real-time status of product availability (col. 4, lines 10-17, Klatt) comprising:

Art Unit: 2171

automatically querying a database (col. 6, lines 18-20, Klatt) at regular time intervals (col. 6, lines 36-39, Klatt) for a date when each product will be ready for shipment for a plurality of products (1103, fig. 11 and corresponding text, Klatt) , and if the date does not exist, skipping that product (908, fig. 9 and corresponding text, Klatt), otherwise;

for each product, counting a number of days between a current date and the date when the product will be ready for shipment to create a number of days before the product is available (col. 12, lines 7-9, Klatt);

displaying when the product is available for shipment (col. 12, lines 10-17, Klatt).

Regarding claims 2 and 10, all the limitations of these claims have been noted in the rejection of claim 1 and 8, respectively. In addition Klatt disclose: wherein the step of querying also includes querying the database for a number of orders (col. 11, lines 17-20, Klatt), a product category for each order as instruction books (col. 11, line 18, Klatt), and sales revenue for each order (col. 11, lines 55-58, Klatt), and further comprises:

adding the number of orders for each product category to create a sum of the number of orders for each product category (col. 11, lines 16-20, Klatt); and

adding the sales revenue from each order in each product category to create a sum of the total revenue for each product category (col. 14, lines 49-50, Klatt);

displaying the sum of the number of orders for each product category (col. 14, lines 44-46, Klatt); and

displaying the sum of the total revenue for each product category (col. 14, lines 46-48, Klatt).

Art Unit: 2171

Regarding claim 3, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Klatt disclose: wherein the displaying step includes displaying the number of days until the product is available for shipment (col. 13, lines 41-47, Klatt).

Regarding claims 4 and 11, all the limitations of these claims have been noted in the rejection of claims 1 and 8, respectively. In addition, Klatt disclose: further comprising creating a plurality of display categories (col. 5, lines 26-31, Klatt), wherein each display category depends on the number of days before the product is available (col. 5, lines 11-12, Klatt).

Regarding claims 5, 12, 18, 19 and 20, all the limitations of these claims have been noted in the rejection of claims 4, 11 and 16, respectively. In addition, Klatt disclose: wherein the plurality of display categories includes:

displaying a first user-defined message if the number of days before the product is available is greater than a user-defined number (col. 4, lines 9-11, Klatt); and

displaying a second user-defined message if the number of days before the product is available is less than a user-defined number (col. 5, lines 11-12, Klatt).

displaying a first user-defined message for each order in the first category (magazine articles) (col. 3, lines 40-43, Klatt);

displaying a second user-defined message for each order in the second category (the like) (col. 3, lines 40-43, Klatt).

Art Unit: 2171

Regarding claims 6 and 13, all the limitations of these claims have been noted in the rejection of claims 5 and 12, respectively. In addition, Klatt disclose: wherein the first user-defined message is "call for availability" (hold until) and the second user-defined message is "ready for immediate shipment." (ship to) (908, fig. 9 and corresponding text, Klatt).

Regarding claims 7 and 15, all the limitations of these claims have been noted in the rejection of claims 1 and 8, respectively. In addition, Klatt disclose: wherein the step of automatically querying is performed in real-time (col. 6, lines 36-39, Klatt).

Regarding claims 8 and 16, all the limitations of these claims have been noted in the rejection of claim 1. In addition, Klatt disclose: A computer-readable medium having stored thereon one or more computer programs that, when executed by one or more computers, causes the one or more computers (col. 15, lines 45-48, Klatt) to:

populate a database with data to include a date when each product will be available for shipment for a plurality of products (col. 13, lines 48-59, Klatt);

Regarding claims 9 and 17, all the limitations of these claims have been noted in the rejection of claims 8 and 16, respectively. In addition, Klatt disclose: where the computer program further causes the one or more computers to:

apply the number of days (particular days) before the product is available to a calendar(schedule) starting from the current date (col. 12, lines 10-17, Klatt); and  
display a date when the product will be available (col. 12, lines 7-9, Klatt).

Art Unit: 2171

Regarding claim 14, all the limitations of this claim have been noted in the rejection of claim 11. In addition, wherein the plurality of categories includes a category for orders where the number of days before the product is available is within a user-defined range of values, wherein the computer program further causes the one or more computers to:

display a user-defined message for each order within the category (col. 11, lines 12-13, Klatt).

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claim 16. In addition, wherein the signal obtains data every time information is requested (col. 9, lines 17-22, Klatt).

### **3. Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on 8:30-5:00 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Application/Control Number: 09/748,520

Page 7

Art Unit: 2171

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Cindy Nguyen  
September 25, 2002

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2107